

Appl. No.: 10/518,871
Reply to Office Action of: 06/09/2009

REMARKS

Claims 62 and 63 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action asserted that the limitation "a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine" does not appear to be disclosed in the disclosure. However, Applicants respectfully traverse this rejection as follows.

Applicants submit that the Office Action improperly rejected claims 62 and 63 under the first paragraph of 35 U.S.C. § 112, because the Office Action does not set forth express findings of fact which support the lack of written description conclusion. See MPEP § 2163.04(I). According to MPEP § 2163.04(I), the Examiner must:

- (A) Identify the claim limitation(s) at issue; and
- (B) Establish a *prima facie* case by providing reasons why a person skilled in the art at the time the application was filed would not have recognized that the inventor was in possession of the invention as claimed in view of the disclosure of the application as filed.

In the instant case, the Office Action has not satisfied element B of the requirement set forth in MPEP § 2163.04(I). In particular, the Office Action merely asserted that the specification does not disclose a program storage device readable by a machine, tangibly embodying a program of

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instructions executable by the machine. In other words, the Office Action has merely presented an insufficient conclusory statement to improperly reject claims 62 and 63.

Applicants submit that, a memory, which is a program storage device is described throughout the specification (see Fig. 2(b), page 7, lines 16-18, page 8, lines 9-15, page 9, lines 9-12, etc.). Also, instructions/software are also described throughout the specification (see page 9, lines 9-12, page 11, lines 13-17, page 17, lines 11-18, page 23, lines 14-15, page 24, lines 26-26, etc.).

Furthermore, the Office Action does not provide reasons why a person skilled in the art would not have recognized that the inventor was in possession of the invention as claimed in view of the disclosure as filed. The Office Action cannot provide such reasons, because the specification clearly states "[f]irst, the central control unit 58 checks in its memory 59 to see whether the code of the iBead is known locally. If the code is known locally, the central control unit 58 performs the macro/operation allocated to the code (see page 9, lines 9-12)." Thus, a memory, which is a program storage device is described throughout the specification and a central control unit 58 which performs the macro/operation allocated to the code, are instructions executable by the machine for performing operations.

Therefore, in view of the above, a person of ordinary skill in the art would readily appreciate that a "program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine" (claims 62 and 63) is

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supported in the specification through implicit disclosure. Applicants note that MPEP § 2163(I)(B) does not require in *haec verba*, but instead requires that the limitations added be supported in the specification through express, implicit, or inherent disclosure (emphasis added). Because the MPEP does not require explicit support in the specification, the implicit disclosure of "program storage device readable by a machine" satisfies the written description requirement under the first paragraph of 35 U.S.C. § 112.

Accordingly, Applicants respectfully request that the rejection of claims 62 and 63 be withdrawn for at least the reasons stated above.

Claims 42, 44-51, 55, 62-66, 69-71, and 73-81 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lin (WO 01/50224) in view of Wischerop et al. (US 5,955,951) and Dosch (US 2002/0069365). Claims 53 and 54 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lin (WO 01/50224) in view of Wischerop et al. (US 5,955,951), Dosch (US 2002/0069365), and Gallagher et al. (US 6,963,270). Claims 56, 59, and 61 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lin (WO 01/50224) in view of Wischerop et al. (US 5,955,951), Dosch (US 2002/0069365), and Walter (US 6,275,141). Claims 67, 68, and 72 were rejected as being unpatentable over Lin (WO 01/50224) in view of Wischerop et al. (US 5,955,951), Dosch (US 2002/0069365), and Katagishi et al. (US 2003/0120745). The examiner is requested to reconsider these rejections.

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To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claim 42 has been amended above to clarify applicants' claimed invention. Claim 42 recites, *inter alia*, an apparatus comprising "a controller configured to determine whether the read code corresponds with any of the plurality of codes stored in the memory, and when the read code corresponds with any of the plurality of codes stored in the memory, to perform an operation associated with the corresponding stored code and when the read code does not correspond with any of the plurality of codes stored in the memory, to control the radio interface to transmit a message to a remote destination via the network, wherein the remote destination is dependent upon the read code". Support for this amendment may be found at, for example, page 10, lines 20 to 23.

Independent claim 42 relates to embodiments of the present invention where after the RF tag is read, a central control unit checks its memory to see if the RF code is known locally (pages 9, 10 and 18). If the code is not known locally, a message may be sent to a remote server (page 10, lines 20 to 24). The steps are therefore as follows:

1. determine whether the read code corresponds with a stored code;
2. if the read code corresponds with a stored code, perform an associated operation (local operation);

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3. if the read code does not correspond with a stored code,
transmit a message to a remote destination.

In contrast, Lin discloses a facility for automatically accessing information on a computer network (abstract). Lin discloses that a routine present in application software on a user's device may obtain an RF tag and RF tag reader's unique code (page 10, lines 9 to 19). The routine may then be used to send a unique transaction code (comprising the RF tag code and RF reader code) to a system server computer which maps the code to a specific application, server or website URL. Once the unique transaction code has been sent and a URL is retrieved, a browser program is directed to retrieve the information or application.

Lin discloses that a specific type of RF tag may also direct the application software to launch a local application program on the user's computer that does not need access to a computer network or remote server computer (page 13, lines 21 to 32).

The control of whether or not a local application program is launched is decided by the 'type' of RF tag (2,048-bit type 3 RF tag for a local application program, and 64-bit type 1 RF tag or 256-bit type 2 RF tag for sending the code to the system server computer). Lin further discloses that "In the decision block 402, the unique code of the RF tag is checked to determine if the type of RF tag is a type 1, type 2 or type 3" (page 13, lines 22 to 24).

The text of Lin, which the Examiner considers most relevant is at page 13, lines 25 to 32, which recites:

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"If the RF tag is a type 3 RF tag, the application software 132 will begin a local application program on the user computer 130... In this embodiment, access via the computer network 140 to a remote server computer is not needed..Alternatively, if the RF tag is either a type 1 RF tag or type 2 RF tag, then the application software 132 obtains the unique code associated with the RF reader 120 [to form a Unique Transaction Code] as shown in block 406, and proceeds to retrieve a URL from a remote server computer..."

Lin discloses at page 13, lines 17 to 20, that the "... the type 3 RF tag can be used to display content such as a business card".

Therefore, in Lin, as illustrated in Figure 4, the following steps occur:

1. determine type of RF tag from the RF tag code (i.e. no comparison of read codes with stored codes);
2. if RF tag is a type 3 RF tag, then perform a local operation (i.e. RF tag instructs a local operation to be performed without comparing whether the RF tag code corresponds with a stored code);
3. if RF tag is a type 1 or type 2 RF tag, proceed to obtain RF tag reader's unique RF code in order to create Unique Transaction Code (UTC);
4. the UTC is sent to system server computer and the URL is retrieved.

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It is therefore clear that, in order to retrieve a URL, a UTC is required. The UTC is only created when using a type 1 or type 2 RF tag and is not created when using a type 3 RF tag.

Lin does not disclose "a controller configured to determine whether the read code corresponds with any of the plurality of codes stored in the memory, and when the read code corresponds with any of the plurality of codes stored in the memory, to perform an operation associated with the corresponding stored code and when the read code does not correspond with any of the plurality of codes stored in the memory, to control the radio interface to transmit a message to a remote destination via the network, wherein at least a part of the read code is used to select the remote destination".

The Examiner has equated the determination of the 'type' of RF tag in Lin to a feature of the present invention where the read code corresponds with a stored code. However, the recognition of the 'type' of RF tag does not involve a determination of whether the RF tag code corresponds to a stored code.

Lin clearly states at page 13, lines 22 to 26 that the type of RF tag is determined from the RF tag code (i.e. no comparing of the RF tag code with a stored code). There is no disclosure whatsoever in Lin that the RF tag code is compared with a stored code to determine the RF tag type. Therefore, the RF tag tells the user's device what type of tag it is.

Type 3 RF Tag

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It is clear in Lin that a type 3 RF tag is used to perform a local operation on the user's device and may only perform a local operation on the user's device. Therefore, when using a type 3 RF tag, no message may be transmit to a remote destination.

As shown in figures 3 and 4 of Lin, the user's device may only communicate with a system server computer 150 after creating a UTC. The UTC is only created when using a type 1 or 2 RF tag and is not created when using a type 3 RF tag. Therefore, when using a type 3 RF tag, no UTC may be created and therefore no message is transmit to a remote destination.

Furthermore, figure 3 clearly illustrates that there is only a comparison of read codes with stored codes after a UTC has been created (i.e. using the look-up table at the system server computer). When using a type 3 RF tag, no UTC is created and therefore there cannot be a comparison of read codes with stored codes. Instead, an operation is performed directly at the user's device without any code comparison. For example, business card information is directly displayed on the user's device (page 13, lines 17 to 20).

There is no teaching or suggestion in Lin to compare the code of the type 3 RF tag with a stored code in order to decide what local operation should be performed. Instead, the type 3 RF tag tells the user's device what to do.

The type 3 RF tag tells the user device to perform a specified local application. If a type 3 tag is used, only a local

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application may be performed and no message may be transmit to a remote destination.

Type 1 or 2 RF tag

As shown in figure 4 of Lin, if the RF Tag tells the user's device that it is a type 1 or type 2 RF tag, the RF tag reader's code may be obtained. A UTC is created and a URL is retrieved from a system server computer.

Neither the type 1 nor the type 2 RF tag may be used to perform a local operation. Furthermore, when a type 1 or type 2 RF tag is used, a UTC is always created to retrieve a URL from a server and therefore Lin does not transmit a message "when the read code does not correspond with any of the plurality of codes stored in the memory".

As mentioned above, the Examiner is incorrect when asserting that there must be a matching between read codes and stored codes when determining the type of RF tag. However, even if the Examiner were correct, because an RF tag type is always determined in Lin, then a matching of codes must always occur. Lin does not and cannot disclose using a type 1 or type 2 RF tag to transmit a message "when the read code does not correspond with any of the plurality of codes stored in the memory".

Therefore, independent claim 42 is novel and non-obvious over Lin.

Dosch discloses an internet terminal that communicates with an identification module in order to establish a connection to the internet. The identification module contains

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configuration data for the connection of the internet terminal to the internet (page 2, paragraph 0027). The identification module may be designed as a contactless transponder, e.g. as a radio-frequency identification module (page 2, paragraph 0024).

The text of which the Examiner appears to be relying on is at paragraphs 27 and 30, which discusses the authentication of the identification module with the terminal. Specifically, Dosch discloses that the identification module comprises authorization code which is matched with the internet terminal.

The Examiner appears to have taken the following view of Dosch:

- 1) determine whether the authorization code of the identification module corresponds with a stored code in the internet terminal;
- 2) if the authorization code corresponds with a stored code, configure the internet terminal (perform a local operation).

Dosch does not disclose what happens if the authorization code is not matched at the internet terminal. Dosch certainly does not disclose that a message is transmit to a remote destination via a network, wherein the remote destination is dependent on the authorization code.

Therefore Dosch does not cure the shortcomings of Lin and therefore cannot be combined to disclose the features recited in independent claim 42.

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Furthermore, applicants submit that there is no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicants' patent application). Neither Lin nor Wischerop nor Dosch disclose or suggest the features of claim 42. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. (see MPEP 2143.01, page 2100-98, column 1). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination (see MPEP 2143.01, page 2100-98, column 2). A statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is **not sufficient** to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. (see MPEP 2143.01, page 2100-99, column 1) Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). >See also Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (The level of skill in the art cannot be relied upon to provide the suggestion to combine references.)

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The features of claim 42 are not disclosed or suggested in the art of record. Therefore, claim 42 is patentable and should be allowed.

Though dependent claims 44-51, 53, 54, 56, 59, and 64-68 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 42. However, to expedite prosecution at this time, no further comment will be made.

Claim 55 has been amended above to clarify applicants' claimed invention. Claim 55 recites, *inter alia*, a method comprising "transmitting a message to a remote destination via the network, wherein the remote destination is dependent upon the read code".

Similar to the arguments presented above with respect to claim 42, Lin discloses a facility for automatically accessing information on a computer network (abstract).

The Examiner has equated the determination of the 'type' of RF tag in Lin to a feature of the present invention where the read code corresponds with a stored code. However, the recognition of the 'type' of RF tag does not involve a determination of whether the RF tag code corresponds to a stored code.

There is no disclosure whatsoever in Lin that the RF tag code is compared with a stored code to determine the RF tag type. Therefore, the RF tag tells the user's device what type of tag it is.

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It is clear in Lin that a type 3 RF tag is used to perform a local operation on the user's device and may only perform a local operation on the user's device. Therefore, when using a type 3 RF tag, no message may be transmit to a remote destination.

As shown in figures 3 and 4 of Lin, the user's device may only communicate with a system server computer 150 after creating a UTC. The UTC is only created when using a type 1 or 2 RF tag and is not created when using a type 3 RF tag. Therefore, when using a type 3 RF tag, no UTC may be created and therefore no message is transmit to a remote destination.

Furthermore, figure 3 clearly illustrates that there is only a comparison of read codes with stored codes after a UTC has been created (i.e. using the look-up table at the system server computer). When using a type 3 RF tag, no UTC is created and therefore there cannot be a comparison of read codes with stored codes. Instead, an operation is performed directly at the user's device without any code comparison.

There is no teaching or suggestion in Lin to compare the code of the type 3 RF tag with a stored code in order to decide what local operation should be performed. Instead, the type 3 RF tag tells the user's device what to do.

The type 3 RF tag tells the user device to perform a specified local application. If a type 3 tag is used, only a local application may be performed and no message may be transmit to a remote destination.

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As shown in figure 4 of Lin, if the RF Tag tells the user's device that it is a type 1 or type 2 RF tag, the RF tag reader's code may be obtained. A UTC is created and a URL is retrieved from a system server computer.

Neither the type 1 nor the type 2 RF tag may be used to perform a local operation. Furthermore, when a type 1 or type 2 RF tag is used, a UTC is always created to retrieve a URL from a server and therefore Lin does not transmit a message "when the read code does not correspond with any of the plurality of codes stored in the memory".

Lin does not and cannot disclose using a type 1 or type 2 RF tag to transmit a message "when the read code does not correspond with any of the plurality of codes stored in the memory".

Therefore, independent claim 55 is novel and non-obvious over Lin.

Dosch discloses an internet terminal that communicates with an identification module in order to establish a connection to the internet.

Dosch does not disclose what happens if the authorization code is not matched at the internet terminal. Dosch certainly does not disclose that a message is transmit to a remote destination via a network, wherein the remote destination is dependent on the authorization code.

Therefore Dosch does not cure the shortcomings of Lin and therefore cannot be combined to disclose the features recited in independent claim 55.

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Furthermore, applicants submit that there is no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicants' patent application). Neither Lin nor Wischerop nor Dosch disclose or suggest the features of claim 55.

The features of claim 55 are not disclosed or suggested in the art of record. Therefore, claim 55 is patentable and should be allowed.

Though dependent claims 61 and 69-80 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 55. However, to expedite prosecution at this time, no further comment will be made.

Claim 62 has been amended above to clarify applicants' claimed invention. Claim 62 recites, *inter alia*, "transmitting a message to a remote destination via the network, wherein the remote destination is dependent upon the read code".

Similar to the arguments presented above with respect to claim 42, Lin discloses a facility for automatically accessing information on a computer network (abstract).

The Examiner has equated the determination of the 'type' of RF tag in Lin to a feature of the present invention where the read code corresponds with a stored code. However, the recognition of the 'type' of RF tag does not involve a determination of whether the RF tag code corresponds to a stored code.

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There is no disclosure whatsoever in Lin that the RF tag code is compared with a stored code to determine the RF tag type. Therefore, the RF tag tells the user's device what type of tag it is.

It is clear in Lin that a type 3 RF tag is used to perform a local operation on the user's device and may only perform a local operation on the user's device. Therefore, when using a type 3 RF tag, no message may be transmit to a remote destination.

As shown in figures 3 and 4 of Lin, the user's device may only communicate with a system server computer 150 after creating a UTC. The UTC is only created when using a type 1 or 2 RF tag and is not created when using a type 3 RF tag. Therefore, when using a type 3 RF tag, no UTC may be created and therefore no message is transmit to a remote destination.

Furthermore, figure 3 clearly illustrates that there is only a comparison of read codes with stored codes after a UTC has been created (i.e. using the look-up table at the system server computer). When using a type 3 RF tag, no UTC is created and therefore there cannot be a comparison of read codes with stored codes. Instead, an operation is performed directly at the user's device without any code comparison.

There is no teaching or suggestion in Lin to compare the code of the type 3 RF tag with a stored code in order to decide what local operation should be performed. Instead, the type 3 RF tag tells the user's device what to do.

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The type 3 RF tag tells the user device to perform a specified local application. If a type 3 tag is used, only a local application may be performed and no message may be transmit to a remote destination.

As shown in figure 4 of Lin, if the RF Tag tells the user's device that it is a type 1 or type 2 RF tag, the RF tag reader's code may be obtained. A UTC is created and a URL is retrieved from a system server computer.

Neither the type 1 nor the type 2 RF tag may be used to perform a local operation. Furthermore, when a type 1 or type 2 RF tag is used, a UTC is always created to retrieve a URL from a server and therefore Lin does not transmit a message "when the read code does not correspond with any of the plurality of codes stored in the memory".

Lin does not and cannot disclose using a type 1 or type 2 RF tag to transmit a message "when the read code does not correspond with any of the plurality of codes stored in the memory".

Therefore, independent claim 62 is novel and non-obvious over Lin.

Dosch discloses an internet terminal that communicates with an identification module in order to establish a connection to the internet.

Dosch does not disclose what happens if the authorization code is not matched at the internet terminal. Dosch certainly does not disclose that a message is transmit to a remote

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destination via a network, wherein the remote destination is dependent on the authorization code.

Therefore Dosch does not cure the shortcomings of Lin and therefore cannot be combined to disclose the features recited in independent claim 62.

Furthermore, applicants submit that there is no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicants' patent application). Neither Lin nor Wischerop nor Dosch disclose or suggest the features of claim 62.

The features of claim 62 are not disclosed or suggested in the art of record. Therefore, claim 62 is patentable and should be allowed.

Though dependent claim 63 contains allowable subject matter, the claim should at least be allowable due to dependence from allowable claim 62. However, to expedite prosecution at this time, no further comment will be made.

Claim 81 has been amended above to clarify applicants' claimed invention. Claim 81 recites, *inter alia*, "a controller configured to determine whether the read code corresponds with any of the plurality of codes stored in the memory, and when the read code corresponds with any of the plurality of codes stored in the memory, to perform an operation associated with the corresponding stored code and when the read code does not correspond with any of the plurality of codes stored in the memory, to control the radio interface to transmit a message

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to a remote destination via the network, wherein the remote destination is dependent upon the read code".

Similar to the arguments presented above with respect to claim 42, Lin discloses a facility for automatically accessing information on a computer network (abstract).

The Examiner has equated the determination of the 'type' of RF tag in Lin to a feature of the present invention where the read code corresponds with a stored code. However, the recognition of the 'type' of RF tag does not involve a determination of whether the RF tag code corresponds to a stored code.

There is no disclosure whatsoever in Lin that the RF tag code is compared with a stored code to determine the RF tag type. Therefore, the RF tag tells the user's device what type of tag it is.

It is clear in Lin that a type 3 RF tag is used to perform a local operation on the user's device and may only perform a local operation on the user's device. Therefore, when using a type 3 RF tag, no message may be transmit to a remote destination.

As shown in figures 3 and 4 of Lin, the user's device may only communicate with a system server computer 150 after creating a UTC. The UTC is only created when using a type 1 or 2 RF tag and is not created when using a type 3 RF tag. Therefore, when using a type 3 RF tag, no UTC may be created and therefore no message is transmit to a remote destination.

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Furthermore, figure 3 clearly illustrates that there is only a comparison of read codes with stored codes after a UTC has been created (i.e. using the look-up table at the system server computer). When using a type 3 RF tag, no UTC is created and therefore there cannot be a comparison of read codes with stored codes. Instead, an operation is performed directly at the user's device without any code comparison.

There is no teaching or suggestion in Lin to compare the code of the type 3 RF tag with a stored code in order to decide what local operation should be performed. Instead, the type 3 RF tag tells the user's device what to do.

The type 3 RF tag tells the user device to perform a specified local application. If a type 3 tag is used, only a local application may be performed and no message may be transmit to a remote destination.

As shown in figure 4 of Lin, if the RF Tag tells the user's device that it is a type 1 or type 2 RF tag, the RF tag reader's code may be obtained. A UTC is created and a URL is retrieved from a system server computer.

Neither the type 1 nor the type 2 RF tag may be used to perform a local operation. Furthermore, when a type 1 or type 2 RF tag is used, a UTC is always created to retrieve a URL from a server and therefore Lin does not transmit a message "when the read code does not correspond with any of the plurality of codes stored in the memory".

Lin does not and cannot disclose using a type 1 or type 2 RF tag to transmit a message "when the read code does not

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correspond with any of the plurality of codes stored in the memory".

Therefore, independent claim 81 is novel and non-obvious over Lin.

Dosch discloses an internet terminal that communicates with an identification module in order to establish a connection to the internet.

Dosch does not disclose what happens if the authorization code is not matched at the internet terminal. Dosch certainly does not disclose that a message is transmit to a remote destination via a network, wherein the remote destination is dependent on the authorization code.

Therefore Dosch does not cure the shortcomings of Lin and therefore cannot be combined to disclose the features recited in independent claim 81.

The Examiner has relied on Wischerop to reject the 'docking feature' previously recited in the independent claims but now only recited in independent system claim 81. Therefore Wischerop is no longer considered relevant to independent claims 42 and 55.

Wischerop discloses a reusable EAS (electronic article surveillance)/ID tag 28 and a detaching unit 26 that functions as a data reader and writer with respect to the tag 28 (column 4, lines 48 to 53). The tag 28 comprises an RFID chip 64 that is capable of storing multi-bit identification data and emitting an identification signal corresponding to the stored

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data in response to a radio frequency interrogation signal (column 5, lines 56 to 60).

The detaching unit 26 includes a housing 82. A nesting area 84 is provided at a top surface of the housing 82. A mechanically actuatable switch 86 is mounted in a nesting area 84 which provides an indication that a tag 28 has been positioned in a nesting area (column 7, lines 19 to 25). When a tag 28 is positioned in a nesting area 84, the switch 86 provides a signal to a control circuit 92 which causes receipt/transmit circuitry 96 and an antenna 94 to transmit an interrogation signal to stimulate the RFID transponder of the tag to generate an identification signal (column 8, lines 17 to 28).

When the identification signal is received, the control circuit 92 forwards the identifying data to a point-of-sale terminal 22. The point-of-sale terminal determines whether the detaching unit 26 should operate to remove the tag from the article of merchandise that it is attached to. If the point-of-sale terminal 22 determines that the proposed sale is a valid transaction, it will transmit to the detaching unit a signal indicating that the attaching unit should remove the EAS/ID tag 28 (column 8, lines 31 to 43). If the point-of-sale terminal did not indicate that the tag was to be removed from the article of merchandise, then the control circuit 92 writes to the RFID transponder of the tag and illuminates a warning lamp 102 to indicate that removal of the tag is not authorised (column 8, line 65 to column 9, line 10)

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Furthermore, applicants submit that there is no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicants' patent application).

Wischerop relates to security in commerce and the nesting area 84, which the Examiner compares to the docking port of the present invention, provides a security feature namely the removal of a security tag. It would not be obvious to isolate this feature from Wischerop and introduce it into a teaching that does not involve point of sale security such as Lin.

Lin, at page 3, lines 23 to 25, recites "...it would be desirable to have a system that simplifies access to information or services on the internet by allowing the user to automatically and quickly go to precisely the website desired".

Therefore, it is incomprehensible why a skilled person, having considered Lin, would consider Wischerop, and isolate the nesting feature of Wischerop to combine it with Lin, particularly when the nesting feature would complicate the system of Lin such that access to information or services on the internet would no longer be simple and quick.

Independent claim 81 is therefore non-obvious over Lin in view of Wischerop. Neither Lin nor Wischerop nor Dosch disclose or suggest the features of claim 81.

The features of claim 81 are not disclosed or suggested in the art of record. Therefore, claim 81 is patentable and should be allowed.

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For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. If there are any additional charges with respect to this Amendment or otherwise, please charge deposit account 50-1924 for any fee deficiency. Should any unresolved issue remain, the examiner is invited to call applicants' attorney at the telephone number indicated below.

Respectfully submitted,



Juan Juan (Reg. No. 60,564)

8/7/2009
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